

PRELIMINARY FY 2020 ENFORCEMENT AND COMPLIANCE ANNUAL RESULTS

ISSUE SUMMARY:

Each Fiscal Year, OECA distributes a detailed report of EPA's enforcement and compliance highlights and results to the public. The information in this sheet will be updated when the data are final and public in mid-January.

UPCOMING MILESTONES:

- OECA plans to release EPA's official, certified, annual enforcement results for FY 2020 in mid-January.
- An inter-Office and regional workgroup is preparing Annual Results materials for AA approval.

BACKGROUND:

PRELIMINARY FY 20 ENFORCEMENT ACTIVITY/ANNUAL RESULTS

EPA continues to focus on impactful actions that meaningfully increase compliance with environmental laws, benefiting human health and the environment. For FY 2020 EPA focused on six National Compliance Initiatives (NCIs) to advance the Agency Strategic Plan's objectives to improve air quality, provide for clean and safe water, ensure chemical safety, and improve compliance with our Nation's environmental laws.

Key Points:

DRAFT Annual Results Metrics – as of 10/7

- **Voluntary self-disclosed violations at over 765 facilities in FY 2020**, expediting return to compliance.
- **Commitments to reduce, treat, or eliminate 446.8 million pounds of pollution (air, toxics, and water)**, the highest value in the past five years.
- Investment of over **\$2.5 billion in actions and equipment that achieve compliance with the law and control pollution**, a decrease from FY 2019.
- **\$161 million in combined Federal administrative and judicial civil penalties and criminal fines**, a decrease from FY 2019.
- **247 criminal cases opened**, an increase from 170 in FY 2019, continuing to reverse the downward trend that began after 2011.
- **A total of 88 criminal defendants charged**, a decrease from 137 in FY 2019.
- Commitments totaling **\$785 million for new site cleanup work and payment of past and ongoing EPA oversight costs**, an increase from FY 2019.

Enforcement Results During COVID-19 Public Health Emergency

- OECA adapted quickly to the public health emergency, providing dozens of internal and external guidances, communications, or policies to support EPA staff, states and the public to ensure continued health and environmental safety.
- Despite COVID-19, EPA achieved significant FY 2020 enforcement results by focusing resources on significant environmental matters, site cleanup, and criminal violations, and increasing the use of off-site monitoring tools to assess facilities' compliance.

- The number of civil inspections and civil enforcement actions declined in FY 2020 and the number of new criminal cases opened increased. EPA also will report increases in the pounds of pollutants reduced, pounds of waste properly managed, and CERCLA response costs and cost recovery commitments.
- EPA continued to enforce environmental laws during the public health emergency. For the period March 16 – August 31, 2020, EPA
 - Opened 128 Criminal Enforcement Cases;
 - Charged 36 Defendants;
 - Concluded 629 Civil Enforcement Actions;
 - Initiated 603 Civil Enforcement Actions;
 - Secured more than \$80.4 million in Superfund Response Commitments;
 - Billed more than \$59.8 million in Superfund Oversight Costs; and
 - Obtained commitments from parties to clean up 1,032,832 cubic yards of contaminated soil and water.
- OECA also greatly expanded its FIFRA work to address COVID fraud, including actions addressing e-retailers, mislabeling, unregistered pesticides, and import violations. These include:
 - Working with U.S. Customs and Border Protection to issue 170 Notices of Refusal of Admission to keep over 8.8 million units of illegal products out of the U.S.;
 - Issuing 35 civil notices of violation/warning letters;
 - Issuing 18 stop sale orders;
 - Opening 60 criminal COVID cases; and
 - Criminally charging 4 defendants related to COVID-19 fraud.

KEY EXTERNAL STAKEHOLDERS:

☒ Congress
 ☒ Industry
 ☒ States
 ☒ Tribes
 ☒ Media
 ☒ Other Federal Agency
☒ NGO
 ☒ Local Government
 ☐ Other (name of stakeholder) _____

MOVING FORWARD:

- Annual Results will be distributed to the public near the end of each calendar year.

LEAD OFFICE/REGION: OECA

OTHER KEY OFFICES/REGIONS:

ALL REGIONS